

Rule 4. Appeal as of right: when taken.

(a) Appeal from final judgment and order. In a case in which an appeal is permitted as a matter of right from the trial court to the appellate court, the notice of appeal required by Rule 3 shall be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from. However, when a judgment or order is entered in a statutory forcible entry or unlawful detainer action, the notice of appeal required by Rule 3 shall be filed with the clerk of the trial court within 10 days after the date of entry of the judgment or order appealed from.

(b) Time for appeal extended by certain motions.

(b)(1) If a party timely files in the trial court any of the following motions, the time for all parties to appeal from the judgment runs from the entry of the order disposing of the motion:

(b)(1)(A) a motion for judgment under Rule 50(b) of the Utah Rules of Civil Procedure;

(b)(1)(B) a motion to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted, under Rule 52(b) of the Utah Rules of Civil Procedure;

(b)(1)(C) a motion to alter or amend the judgment under Rule 59 of the Utah Rules of Civil Procedure;

(b)(1)(D) a motion for a new trial under Rule 59 of the Utah Rules of Civil Procedure; or

(b)(1)(E) a motion for a new trial under Rule 24 of the Utah Rules of Criminal Procedure.

(b)(2) A notice of appeal filed after announcement or entry of judgment, but before entry of an order disposing of any motion listed in Rule 4(b), shall be

27 treated as filed after entry of the order and on the day thereof, except that such a
28 notice of appeal is effective to appeal only from the underlying judgment. To
29 appeal from a final order disposing of any motion listed in Rule 4(b), a party
30 must file a notice of appeal or an amended notice of appeal within the
31 prescribed time measured from the entry of the order.(c) Filing prior to entry of
32 judgment or order. A notice of appeal filed after the announcement of a decision,
33 judgment, or order but before entry of the judgment or order shall be treated as
34 filed after such entry and on the day thereof.

35 (d) Additional or cross-appeal. If a timely notice of appeal is filed by a party,
36 any other party may file a notice of appeal within 14 days after the date on
37 which the first notice of appeal ~~was filed~~ is docketed, or within the time
38 otherwise prescribed by paragraphs (a) and (b) of this rule, whichever period
39 last expires.

40 (e) Extension of time to appeal. The trial court, upon a showing of excusable
41 neglect or good cause, may extend the time for filing a notice of appeal upon
42 motion filed not later than 30 days after the expiration of the time prescribed by
43 paragraphs (a) and (b) of this rule. A motion filed before expiration of the
44 prescribed time may be ex parte unless the trial court otherwise requires. Notice
45 of a motion filed after expiration of the prescribed time shall be given to the
46 other parties in accordance with the rules of practice of the trial court. No
47 extension shall exceed 30 days past the prescribed time or 10 days from the date
48 of entry of the order granting the motion, whichever occurs later.

49 (f) Motion to reinstate period for filing a direct appeal in criminal cases. Upon
50 a showing that a criminal defendant was deprived of the right to appeal, the trial
51 court shall reinstate the thirty-day period for filing a direct appeal. A defendant
52 seeking such reinstatement shall file a written motion in the sentencing court

53 and serve the prosecuting entity. If the defendant is not represented and is
54 indigent, the court shall appoint counsel. The prosecutor shall have 30 days after
55 service of the motion to file a written response. If the prosecutor opposes the
56 motion, the trial court shall set a hearing at which the parties may present
57 evidence. If the trial court finds by a preponderance of the evidence that the
58 defendant has demonstrated that he was deprived of his right to appeal, it shall
59 enter an order reinstating the time for appeal. The defendant's notice of appeal
60 must be filed with the clerk of the trial court within 30 days after the date of
61 entry of the order.

62 ~~(g) Appeal by an Inmate Confined in an Institution. If an inmate confined in~~
63 ~~an institution files a notice of appeal in either a civil or criminal case, the notice~~
64 ~~of appeal is timely filed if it is deposited in the institution's internal mail system~~
65 ~~on or before the last day for filing. Timely filing may be shown by a notarized~~
66 ~~statement or written declaration setting forth the date of deposit and stating that~~
67 ~~first-class postage has been prepaid. If a notice of appeal is filed in the manner~~
68 ~~provided in this paragraph (g), the 14-day period provided in paragraph (d)~~
69 ~~runs from the date when the trial court receives the first notice of appeal.~~